

UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF WISCONSIN

JOSE AGELO LUNA VANEGAS, and
JOSE LUIS GARCIA GONZALEZ,
on behalf of themselves and all
others similarly situated,

Case No. 21-cv-54

Plaintiffs,

v.

SIGNET BUILDERS, INC.,
SIGNET CONSTRUCTION, LLC
SIGNET CONSTRUCTION, INC.
NORTHRIDGE CONSTRUCTION, INC.

Defendants.

NOTICE OF RIGHT TO JOIN LAWSUIT

To: All U.S. and H-2A workers who worked on agricultural construction projects for Signet Builders, Inc., Signet Construction, LLC, Signet Construction, Inc., and/or Northridge Construction, Inc. at any time on or after January 2019.

You are receiving this Notice because you worked on agricultural construction projects for Signet Builders, Inc., Signet Construction, LLC, Signet Construction, Inc., and/or Northridge Construction, Inc. sometime during the period on or after January 2019.

WHY DID I RECEIVE THIS NOTICE?

This Notice is being sent to you to inform you about a lawsuit in which you are potentially eligible to participate. This Notice will tell you about your right to join this lawsuit, how your rights may be affected by this lawsuit, and how to join this lawsuit, should you choose to do so. The purpose of this Notice is only to identify the persons who wish to be involved in the lawsuit and does not mean that you have a valid claim or are entitled to monetary recovery. This determination will be made by the Court.

WHAT IS THE LAWSUIT ABOUT?

This lawsuit was filed by Plaintiff Jose Ageo Luna Vanegas, an H-2A worker who received an H-2A visa to work for Signet Builders, Inc. in 2018 and 2019. Another worker, Jose Luis Garcia Gonzalez, who received an H-2A visa to work for Signet Builders, Inc. in

2019 has joined Mr. Luna Vanegas as a Plaintiff in the case. The case is brought against Signet Builders, Inc., Signet Construction, LLC, Signet Construction, Inc., and Northridge Construction, Inc., four related companies that constructed buildings on farms. For convenience, these four companies are referred to as the "Signet Defendants" in this Notice. The lawsuit is filed in the United States District Court for the Western District of Wisconsin and is titled *Luna Vanegas, et al. v. Signet Builders, Inc., et al.*, No. 3:21-54-jdp.

Plaintiffs' lawsuit alleges that the Signet Defendants illegally failed to pay workers overtime (pay of 1 1/2 times a worker's regular rate) for each hour they worked over 40 hours in a work week. For example, Plaintiffs contend that a worker with a pay rate of \$14.00 per hour who worked 45 hours in a week should have been paid \$21/hour (\$14 + \$7) for each of the 5 hours worked beyond 40 instead of only \$14/hour. Plaintiffs' lawsuit asks the Court to award them their unpaid overtime wages and additional money equal to the amount of unpaid wages owed. Plaintiffs' lawsuit also asks the Court to order the Signet Defendants to pay Plaintiffs' costs in the lawsuit and their reasonable attorneys' fees.

Defendants deny that they owe any money because they claim that the workers were not entitled to overtime under the law.

The Court has not yet decided whether Plaintiffs' claim is valid or not.

WHO IS SENDING THIS NOTICE?

This Notice is being sent by the lawyers representing the Plaintiffs and other workers who choose to join this lawsuit, including you if you choose to join. The United States District Court for the Western District of Wisconsin has authorized us to send this Notice to you. The lawyers are:

Jennifer J. Zimmermann,
WI Bar No. 1067828
jjz@legalaction.org
Erica Sweitzer-Beckman,
WI Bar No. 1071961
elb@legalaction.org
LEGAL ACTION OF WISCONSIN
744 Williamson Street, Suite 200
Madison, WI 53703
Tel: 608-256-3304
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Lorraine Gaynor
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Edward Tuddenham
edwardtuddenham@gmail.com
EDWARD TUDDENHAM
42 Ave. Bosquet
75007 Paris, France

Tel: +33 68 479 8930

WHAT ARE MY CHOICES?

If you believe that you worked more than 40 hours a week in any work week while working for one or more of the Signet Defendants you have the right to join this lawsuit and claim your unpaid overtime wages.

You also have the right not to join the lawsuit if you do not want to or file your own lawsuit.

HOW DO I JOIN THE LAWSUIT?

If you wish to join this lawsuit and participate in any recovery that may result from it, you must read, sign and return the attached "Consent to Join Form" by _____, 2023. Please complete the form with as much of your contact information as possible and return the signed form by one of the following methods. You can return the signed form in any one of the following ways: (1) you can send a clear photograph or image of the signed form via WhatsApp to 414-875-7105; (2) you can send a copy of the signed form by email to jjz@legalaction.org; (3) you can send a copy of the signed form by fax from Mexico to 011-1-608-256-0510 or by fax from the United States to 1-608-256-0510; or (4) by mailing the form to Jennifer Zimmermann at:

LEGAL ACTION OF WISCONSIN
c/o Jennifer Zimmermann
744 Williamson Street, Suite 200
Madison, WI 53703

If you wish to join the lawsuit you should send the Consent to Join Form as soon as possible because the time limit for filing your claim will continue to run out until you return your form to us so we can file it with the Court.

If you have any questions about filling out or sending in the Consent to Join Form you may contact Plaintiffs' lawyers by phone or text at 414-875-7105 (WhatsApp) or from Mexico at 011-1-414-875-7105 or by email at jjz@legalaction.org.

WHAT HAPPENS IF I JOIN THE LAWSUIT?

If you choose to join this lawsuit you will be bound by the Court's decision regarding the lawsuit whether it is favorable to the workers or unfavorable. Being bound by the Court's decision means that if Plaintiffs win or the Court approves a settlement, you will receive your share of the money. If Plaintiffs lose, you will receive nothing and your

claim will be terminated.

If you choose to join the lawsuit the lawyers listed above will represent you. These lawyers are representing the Plaintiffs, and will represent you, free of charge which means you will not have to pay anything to the attorneys whether the case is successful or not. If the case is successful, the Court can order the Signet Defendants to pay the reasonable costs and attorneys' fees of your lawyers. You have the right to hire your own lawyer if you want.

WHAT HAPPENS IF I DO NOT JOIN THE LAWSUIT?

You have the right to do nothing and not return the Consent to Join Form. If you do nothing, you will NOT become a part of this suit. If you choose not to join the lawsuit and do not send in the Consent to Join Form, you will not be affected by the Court's decision whether favorable to the workers or unfavorable. You will not be entitled to share in any money recovered by the workers if the lawsuit is successful or if there is a settlement.

You will be free to file your own lawsuit, but you should be aware that the statute of limitations will continue to run on your claim until you either file the Consent to Join Form or file your own lawsuit. The federal overtime law says that claims for unpaid wages ordinarily must be filed by two years from the date the wages were due. If you worked for the Signet Defendants in 2019 or after and wish to join the lawsuit, you should return the form as soon as possible to avoid losing claims for unpaid wages. If you decide not to join this lawsuit, these same time limits will apply on any claims you bring in a separate suit.

RETALIATION PROHIBITED

The law prohibits anyone, including the Signet Defendants, from discriminating or retaliating against you for joining this lawsuit or because you have exercised your rights to claim overtime. The Signet Defendants cannot deny you work due to your participation in this lawsuit. Your participation in this lawsuit also should not affect whether you receive a visa to return to work for these or other employers.

If you believe that you have been threatened, punished, warned, or retaliated against for discussing or joining this lawsuit, you can call the Plaintiffs' lawyers listed above.

HOW DO I GET MORE INFORMATION?

If you have questions about the lawsuit or anything in this Notice you may call Legal Action of Wisconsin at (414) 875-7105 (WhatsApp) or from Mexico at 011-1-414-875-7105 or by email at jjz@legalaction.org. Our attorneys speak Spanish. Legal Action

of Wisconsin can also schedule phone appointments during the evening or weekend. You should not contact us while you are working. You also have the right to consult with another attorney about whether to join this lawsuit.

CONSENT TO JOIN FORM

Luna Vanegas, et al. v. Signet Builders, Inc., et al, No. 21-cv-54
United States District Court for the Western District of Wisconsin

I was an H-2A worker or U.S. worker who worked on agricultural construction projects for Signet Builders, Inc., Signet Construction, LLC, Signet Construction, Inc., and/or Northridge Construction, Inc. at any time after January 2019, and there were weeks that I worked more than 40 hours in a workweek without receiving overtime pay. I hereby consent to become a party plaintiff in the case called *Luna Vanegas et al. v. Signet Builders, Inc. et al.*, No. 21-cv-54. I understand my attorneys will be Legal Action of Wisconsin, Edward Tuddenham, and Iowa Legal Aid.

Printed Name: _____

Signature: _____ **Date:** _____

[Enter text of Spanish translation of above statement]

Nombre en Letra de molde: _____

Firma: _____ **Fecha:** _____

Please Return Signed Form to/ *Favor de Regresar esta Forma Firmada a:*

Legal Action of Wisconsin

By Fax from Mexico / *Por Fax desde México:* 011-608-256-0510

By WhatsApp/ *Por WhatsApp:* 414-875-7105

By E-mail/ *Por Correo Electrónico:* jjz@legalaction.org

ADDITIONAL INFORMATION FOR PLAINTIFFS' ATTORNEYS

Years worked at Signet Builders, Inc., Signet Construction, LLC, Signet Construction, Inc., or Northridge Construction, Inc./ *Años en que trabajaba por Signet Builders, Inc., Signet Construction, LLC, Signet Construction, Inc., or Northridge Construction, Inc.*

Telephone/ *Teléfono*: _____

Address/ *Dirección*: _____

Ranch/Ejido/Colony; *Rancho/Colonia/Ejido*: _____

Municipality/City; *Municipio/Ciudad*: _____

State/ *Estado*: _____ Postal Code/ *Código Postal*: _____

E-mail Address (if applicable)/ *Dirección de Correo Electrónico (si aplica)*:

Name and Phone Number of Alternate Contact Person/ *Nombre y Teléfono de Persona de Contacto Alternativa*:

